

Commissioner Remarks for Delivery at Iraq Press Conference, Tuesday, Dec. 16, 2008

Commission Chair Felice Gaer:

Good morning. Thank you for making the time to come to our press conference on religious freedom conditions in Iraq. We are expecting Rep. Frank Wolf, a longtime champion of religious freedom, and we have received statements from Rep. Chris Van Hollen, and Sen. Ben Cardin and Rep. Alcee Hastings, the Co-Chairs of the Helsinki Commission.

Today, the United States Commission on International Religious Freedom is recommending that Iraq be designated as a "country of particular concern" (CPC) under the International Religious Freedom Act (IRFA), in light of the ongoing, severe abuses of religious freedom and the Iraqi government's toleration of these abuses, particularly abuses against Iraq's smallest, most vulnerable religious minorities.

The lack of effective government action to protect these communities from abuses has established Iraq among the most dangerous places on earth for religious minorities. The point was driven home once again this past weekend, when seven members of a Yazidi family were gunned down in their home in northern Iraq.

Four Commissioners have dissented from the Commission's CPC recommendation, believing that government action, complicity, or willful indifference has not been sufficiently established to warrant designating Iraq a CPC. Their views are contained in the Executive Summary.

But all of us are in agreement on our policy recommendations to the U.S. government. They are voluminous and detailed, but they boil down to a pretty straightforward message: The United States must keep religious freedom and other fundamental human rights at the top of the agenda as it develops and implements policies to help Iraq and the entire Gulf region achieve stability and security. As we work with other governments, we must never lose sight of the people they must serve, including the most vulnerable.

I'd like to turn the floor over to my fellow Commissioners to briefly highlight a few of our recommendations. Afterward, we will be happy to answer your questions.

Commissioner Nina Shea:

The situation is especially dire for Iraq's smallest religious minorities, including ChaldoAssyrian and other Christians, Sabean Mandaean, and Yazidis. These groups do not have militia or tribal structures to protect them and do not receive adequate official protection. Their members continue to experience targeted violence and to flee to other areas within Iraq or other countries, where the minorities represent a disproportionately high percentage among Iraqi refugees.

The Commission has a number of recommendations aimed at making the prevention of abuses against religious minorities a high priority. We are asking the U.S. government to urge the Iraqi government to

- replace the existing Prime Minister's minorities committee with one that is independent and includes representatives of all of Iraq's ethnic and religious minority communities who are selected by the communities themselves;
- work with minority communities and their representatives to develop measures to implement Article 125 of the Iraqi Constitution, which guarantees "the administrative, political, cultural, and educational rights of the various nationalities, such as Turkomen, Chaldeans, Assyrians, and all the other constituents," in Nineveh and other areas where these groups are concentrated;
- direct the Ministry of Human Rights to investigate and issue a public report on abuses against and the marginalization of Iraq's minority communities and making recommendations to address such abuses;

- and enact constitutional amendments to strengthen human rights guarantees in the Iraqi Constitution, including by:

- clarifying sub-clause (B) in Article 2 that no law may contradict "the rights and basic freedoms stipulated in this constitution" to make clear that these rights and freedoms include the principles of equality and nondiscrimination and the human rights guaranteed under international agreements to which Iraq is a State party;
 - deleting sub-clause (A) in Article 2 that no law may contradict "the established provisions of Islam," because it heightens sectarian tensions over which interpretation of Islam prevails and improperly makes theological interpretations into constitutional questions; and

- revising Article 2's guarantee of "the Islamic identity of the majority" to make certain that this identity is not used to justify violations of the individual right to freedom of thought, conscience, religion or belief under international law.

Vice Chair Elizabeth Prodromou:

Our concerns of course extend beyond the smallest minorities. While there has been some reconciliation between Shi'a and Sunni Iraqis, concerns remain regarding attacks and tense relations between these groups. To eliminate remaining sectarianism in the Iraqi government and security forces and reduce sectarian violence and human rights abuses, the Commission calls on the U.S. government to urge the Iraqi government to:

- ensure that Iraqi government revenues neither are directed to nor indirectly support any militia, para-state actor, or other organization credibly charged with involvement in severe human rights abuses;

- suspend immediately any government personnel charged with engagement in sectarian violence and other human rights abuses, undertake transparent and effective investigations of such charges, and bring the perpetrators to justice; and

- continue the process of ensuring a greater sectarian integration into the government and security forces so that they better reflect the diversity of the country.

We also call on our government to continue to speak out at the highest levels to condemn religiously motivated violence by both Shi'a and Sunni groups, including violence targeting women, and efforts by local officials and extremist groups to enforce religious law in violation of the Iraqi Constitution and international human rights standards.

Vice Chair Michael Cromartie:

We're quite concerned about the provincial elections scheduled for next month. In the elections four years ago, many non-Muslims in Nineveh governorate were disenfranchised due to fraud, intimidation, and the refusal by Kurdish security forces to permit ballot boxes to be distributed.

Most recently, the provincial elections law passed in late September 2008 by the Iraqi parliament was, at the last minute, stripped of a provision that would have guaranteed a set number of seats in provincial councils to minorities. An amendment adopted later set aside fewer seats than the original provision, leading minority leaders to denounce the law.

To ensure that the upcoming elections are safe, fair, and free of intimidation and violence, the Commission recommends that the U.S. government:

- lead an international effort to protect voters and voting places and to monitor the elections;

- direct U.S. military and coalition forces, where feasible and appropriate, to provide heightened security for the elections, particularly in minority areas, such as in Nineveh governorate, where there were irregularities in previous elections; and

- urge the Iraqi government at the highest levels to ensure security and to permit and facilitate election monitoring by experts from local and international NGOs, the international community, and the United Nations, particularly in minority areas, such as in Nineveh governorate, where there were irregularities in previous elections.

Commissioner Don Argue: I was among the Commissioners who traveled to the Kurdish region last spring. We were struck by the religious minorities' plight, caught as they are in a struggle between the Kurdistan Regional Government (KRG) and the central Iraqi government for control of northern areas where their communities are concentrated. The Commission urges the U.S. government to:

- press the Kurdistan Regional Government (KRG) and Kurdish officials in neighboring governorates to cease alleged interference with the creation, training, and deployment of representative police forces for minority communities, and link progress on representative policing to U.S. financial assistance and other forms of interaction with the KRG;

- demand immediate investigations into and accounting for allegations of human rights abuses by Kurdish regional and local officials against minority communities, including reports of attacks on minorities and expropriation of minority property, and make clear that decisions on U.S. financial and other assistance will take into account whether perpetrators are being investigated and held accountable; and

- work with Iraqi and KRG officials to establish a mechanism to examine and resolve outstanding real property claims involving religious and ethnic minorities in the KRG region and neighboring governorates.

Commissioner Richard Land: The dire religious freedom conditions outlined in our report have sparked a grave refugee crisis, with up to 4 million Iraqis fleeing abroad or to other regions of Iraq in search of safety. The Commission calls on the U.S. government to:

- fund a much larger proportion of all UN appeals for humanitarian assistance to Iraqi IDPs and refugees;

- urge the Iraqi government to fund a much larger proportion of all UN appeals for humanitarian assistance to Iraqis and to increase its own assistance to IDPs; and

- utilize diplomatic efforts to urge U.S. allies in Iraq to increase humanitarian assistance to, and resettlement opportunities for, vulnerable Iraqi refugees and IDPs; and

- amend the U.S. Refugee Admissions Program's new P2 category to allow Iraq's smallest, most vulnerable religious minorities direct access to the program; in addition, family reunification should be expanded for these refugees with relatives in the United States to include not only immediate family members, but as has been done in prior refugee crisis

situations, to also include extended family such as grandparents, aunts and uncles, cousins, etc.

Also, in order for members of Iraq's smallest, most vulnerable religious minorities scheduled to be resettled to the United States not to be delayed unnecessarily, the Commission recommends that the U.S. government provide adequate personnel to conduct background screening procedures and enforce proper application of the existing waiver of the material support bar to those forced to provide support to terrorists under duress.

Commissioner Imam Talal Eid will now read statements from Rep. Chris Van Hollen and Sen. Ben Cardin and Rep. Alcee Hastings from the U.S. Commission for Security and Cooperation in Europe, known as the Helsinki Commission.

Commissioner Imam Talal Eid:

(See text of statements)